

Approved as Written: 6/20/01

CITY OF MORGAN HILL  
JOINT REGULAR CITY COUNCIL AND  
SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES - MAY 30, 2001

**CALL TO ORDER**

Mayor Pro Tempore/Agency Member Sellers called the special meeting to order at 5:00 p.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Carr, Sellers, Tate  
Late: Council/Agency Member Chang (arrived at 6:20 p.m.) Mayor/Chairman Kennedy  
(arrived at 8:17 p.m.)

**DECLARATION OF POSTING OF AGENDA**

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

***City Council Action***

**1. ARCHITECTURAL AND SITE REVIEW BOARD (ARB) AND PLANNING COMMISSION INTERVIEWS**

***Action:*** The City Council ***interviewed*** the following individuals: ARB: Adel Batros, James Fruit, Yarmella Kennett, Rod Martin, and Charles Weston; Planning Commission: Robert Benich and David Jefferson.

Not able to attend the interviews were: Gloria Subocz (Planning Commissioner applicant); and John Simon and Mark Turner (ARB applicants).

Following the interviews, Mayor Pro Tempore Sellers announced that discussion and appointment process would be conducted during the regular agenda this evening.

**RECESSED**

Mayor Pro Tempore Sellers recessed the meeting at 6:30 p.m.

**RECONVENE**

Mayor Pro Tempore Sellers reconvened the meeting at 6:45 p.m.

***City Council Action***

City Attorney Leichter announced the following closed session item:

**1. CONFERENCE WITH LABOR NEGOTIATOR**

Authority:	Government Code Section 54957.6
Agency Negotiators:	City Manager; Assistant to City Manager; City Attorney, Finance Director
Employee Organization:	Morgan Hill Community Service Officers Association, Morgan Hill Police Officers Association

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor Pro Tempore Sellers opened the closed session item to public comment. No comments were offered.

**ADJOURN TO CLOSED SESSION**

Mayor Pro Tempore Sellers adjourned the meeting to closed session at 6:46 p.m.

**RECONVENE**

Mayor Pro Tempore Sellers reconvened the meeting at 7:02 p.m.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Leichter announced that there were no reportable actions resulting from the closed session.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

At the invitation of Mayor Pro Tempore Sellers, Sam Azar led the Pledge of Allegiance

**PUBLIC COMMENTS**

Mayor Pro Tempore Sellers opened the floor to public comments for items not appearing on the agenda. No comments were offered.

## ***City Council Action***

### **CONSENT CALENDAR:**

**Action:**        *On a motion by Council Member Carr and seconded by Council Member Tate, the City Council on a vote of 4-0, with Mayor Kennedy absent, **approved** Consent Calendar Item 2 as follows:*

2.        **APPROVAL OF LABOR CONTRACTS WITH MORGAN HILL COMMUNITY SERVICE OFFICERS ASSOCIATION AND MORGAN HILL POLICE OFFICER ASSOCIATION**

**Action:**    **Approved** the two-year memorandum of understanding with the Morgan Hill Community Service Officers Association and the Morgan Hill Police Officers Association.

### **PUBLIC HEARINGS:**

1.        **GENERAL PLAN AMENDMENT, GPA-98-02 AND ZONING AMENDMENT, ZA-01-06: CITY OF MORGAN HILL-GENERAL PLAN UPDATE AND REZONING OF EFFECTED PROPERTIES AND REVIEW OF ASSOCIATED DRAFT MASTER EIR**

Director of Community Development Bischoff was present to give the staff report. He provided an overview of the results of discussion(s) by the Planning Commission, noting that the Planning Commission had taken testimony at the public hearings, as well as having received written responses from the public and governmental agencies. He also expressed gratitude for the work completed by the General Plan Task Force (GPTF), noting that the process had been expected to take two years, but due to issues regarding traffic, three years had been required. He explained that issues and recommendations that had been brought to the Planning Commission which required strengthened language and/or clarification would be acted upon by the Planning Commission at their meeting of June 26 and presented to the City Council on June 13. He introduced Paul Crawford, Crawford, Multari & Clark, consultant to the City for the General Plan Update revisions; Erin Banks, Design, Community and Environmental Planning, preparing of the Environmental Impact Report (EIR); and Chwen Siripocanont, CCC Planning and Engineering, traffic consultant, who were present to address the City Council and answer questions that the City Council may have.

Paul Crawford addressed the City Council, providing a summary and highlights of the General Plan including:

- New Parks and Bikeways Plan
- Meshing the City's plan to include major components of the South County Plan
- The possibility of additional study of land use models, including greenbelts
- Emphasis on feathering of density to the north and east boundaries of the City
- Enhanced significance of the gateway areas of the City

- Circulation - minimizing traffic in north/south arterials by completing unfinished streets
- Increase use of light rail
- Clustering retail at intersections
- Suggested location(s) for commercial and industrial development areas

Erin Banks spoke to mitigation measures of the Master Environmental Impact Report (MEIR). Ms. Banks reported that the California Department of Fish and Game has suggested significant changes to the recommended Policies. These matters are being discussed with various personnel for clarification and resolution and will be brought back to the City Council on June 13 as well.

Chwen Siripocanont answered questions regarding the traffic element of the General Plan.

Council Members asked questions of Mr. Bischoff regarding Measure P issues, assumed growth rates, expectations of information from the California Department of Finance, the prospective Housing Element, zoning for medical services provision, and the MEIR.

Mayor Pro Tempore Sellers opened the public hearing.

Gordon Jacoby, 6918 Colton Boulevard, Oakland, addressed the Council regarding the proposed Industrial area at the southeast corner of Tennant and east of Highway 101. He provided the history of the subject property, and stated an opinion that because of the variety of ownership represented this was not realistic property for industrial development to benefit the City. He said it is important to study the greenbelt policy and try to achieve balance for the needs of the City. He reiterated that the property he called attention to is not realistic for the GPTF recommendations.

Dennis Fuller, 765 St. Timothy Place, asked that the Industrial Campus zoning recommended on Juan Hernandez near the new school be negated and the property zoned residential. He cited concerns of safety, traffic, greenbelt, and buffering around residential areas. He indicated that the suggestion by Planning Commissioners to designate half the property residential and the other half for Office Industrial was not acceptable to the area residents. Also, speaking to the issue with like concerns were: Chris Valenzuela, 16205 St. Lawrence Dr. and Larry Schenkman, 743 Saint Michael Place.

Mayor Kennedy arrived at 8:12 to be seated on the dais and preside the meeting.

Sam Azar and Stephen D. Ink, 1550 The Alameda, #208, San Jose, questioned the viability of zoning which they said split Mr. Azar's property and made it impossible for him to have functional utilization of that property.

Mr. Bischoff noted an error on the map while explaining the policy which emphasizes retention of commercial development at intersections on arterial streets. He noted that the suggestion of

development by Mr. Azar and Mr. Ink for the property (commercial/office, but not retail establishments) was the recommendation of the GPTF and the Planning Commission. He further stated that staff has been looking at the area to determine the highest and best use in view of the charge to develop zoning recommendations to effectively carry out the direction of the GPTF.

Nancy Domnauer, 17547 Calle del Sol, spoke in opposition to the proposed South Santa Clara County Criminal Justice Center at Diana and Butterfield streets. She noted there is no mention in the Draft General Plan of zoning for public facilities in that area.

Vanessa Brewer, 416 Calle Cerro and Jaclin Cordes, 370 Calle Asta, also voiced objection to the South Santa Clara County Criminal Justice Center at Diana and Butterfield.

Mary Johnson, 17470 Murphy Avenue, spoke in opposition to proposed enhancement/widening of Murphy Avenue which she said would result in a four-lane arterial road. She expressed concerns for the neighborhood should the proposal be adopted.

Nick Johnson, 17470 Murphy Ave, also joined the opposition to widening Murphy Avenue, telling the Council that Condit would have been a much better choice for becoming an arterial road. He also voiced an opinion that the industrial designation to a large block of property just north of Murphy was very troublesome.

Bob Burkhardt, 1375 James Court, also voiced opposition to the Murphy Avenue issues.

Randy Barbaglia, 17505 Monterey Road, said he was representing Mrs. Acton who owns property directly west of his. He indicated support of her request to the Planning Commission to remove a portion of her property from the open space designation and have it rezoned to one acre lots.

No further comments were offered.

Council Members asked clarification on notification of the public hearing regarding the South Santa Clara County Criminal Justice Center at Diana and Butterfield streets. City Manager Tewes gave the steps/order of notification with Commissioner Tate interjecting that 10,000 notices had been distributed regarding the matter. Council Members also heard from Chwen Siripocanont who offered explanations and clarification regarding the issues raised about Murphy Road being enhanced to four lanes.

Mayor Kennedy asked Ms. Siripocanont to provide information on the concept of "calming" traffic in neighborhoods which have experienced high speed-short cuts. Ms. Siripocanont indicated that traffic calming generally could not be utilized on arterial streets.

Mayor Kennedy stated it is very important to "do something" in order to avoid creating alternate routes for commuters which would possibly route traffic through neighborhoods.

Council Members brought forward other concerns including:

- projections (time wise) of when streets would need to be widened
- the rationale for decision-making by the GPTF regarding industrial zoning designation
- buffering of industrial areas from residential designations
- work still to be completed: greenbelts, downtown, the Housing Element,
- the issue of site (zoning) designations for hospitals and medical facilities
- the need to emphasize or channel services where they are needed and be viable while avoiding a proliferation of certain types of service (e.g., auto related services)
- density of potential residential use in downtown
- enhancement of the gateway areas to the City (to include railway station in the policies regarding this issue)
- landscaping requirements/needs
- the need to target designated zoning for areas which would be receptive to Medical Facilities
- the opportunity to do something “different” regarding development near schools

Mr. Bischoff explained that because of the need for the Planning Commission to conclude the recommendations of the Draft General Plan to forward to the City Council, it would be necessary to consider an additional meeting to finalize action on those recommendations. Discussion centered on the June 13 meeting while acknowledging the possible need for a meeting in July to finalize the General Plan.

**Action:** *On a motion by Council Member Carr and seconded by Council Member Tate, the City Council, by unanimous vote (5-0), **continued** the public hearing to a special City Council meeting to be held on June 13.*

**Action:** *It was the consensus of the City Council to **schedule** a July 11, 2001 public hearing in order to allow the Planning Commission to conclude its public hearing on additional proposed amendments and for the City Council to consider said new amendments.*

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

**Action:** *On a motion by Council/Agency Member Tate and seconded by Mayor Pro Tempore Sellers/Agency Member Sellers, the City Council/Agency Commission unanimously (5-0) **approved** Consent Calendars 4 and 5 as follows:*

#### **4. JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 16, 2001**

**Action:** *Approved the minutes as written.*

**5. SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 16, 2001**

**Action:** *Approved the minutes as written.*

**ANNOUNCEMENT:**

Mayor Kennedy indicated that discussion/appointment to the Site and Architectural Review Board (ARB) and Planning Commission would be undertaken following the closed session.

**ADJOURN TO CLOSED SESSION: (continued)**

City Attorney/Agency Counsel Leichter announced the below listed closed session items.

**2.**

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic:	Potential Litigation

**3.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority:	Government Code Section 54956.9(a)
Name of Case:	City of San Jose v. Morgan Hill Unified School District, City of Morgan Hill
Case Number:	Superior Court, County of Santa Clara CV794073

**PUBLIC COMMENTS**

Mayor/Chairman Kennedy opened the closed session items to public comment. No comments were offered.

**ADJOURN TO CLOSED**

Mayor/Chairman Kennedy adjourned the meeting to closed session at 9:37 p.m.

**RECONVENE**

Mayor Kennedy reconvened the meeting at 10:45 p.m.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney/Agency Counsel Leichter announced that no reportable action was taken on Closed Session Items 1 and 2.

## ***City Council Action***

### **1. ARCHITECTURAL AND SITE REVIEW BOARD (ARB) AND PLANNING COMMISSION INTERVIEWS *(Continued)***

The City Council discussed the fact that three applicants (2 ARB and 1 Planning Commissioner) were unavailable to interview this afternoon and agreed to consider the appointment of a City Council subcommittee to interview the three applicants.

***Action:***        *On a motion by Council Member Chang and seconded by Council Member Carr, the City Council unanimously (5-0) **approved** the Mayor's appointment of Mayor Pro Tempore Sellers and Council Member Tate to serve on a City Council subcommittee to conduct interviews with the three remaining applicants. The subcommittee **directed** to report back to the City Council at the June 6, 2001 City Council meeting.*

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

No items were noted.

### **ADJOURNMENT**

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 10:55 p.m.

### **MINUTES RECORDED AND PREPARED BY:**

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**Judi Johnson, Minutes Clerk**